1908-008 Chancery Causes: Gdn. of Ethel Jessee vs. Ethel Jessee, infant &c
Lee Co.

Hyatt, McDowell, Burchett, Woodward, Hambler, Thompson

CA- Estate Dispute
T- Property

To the Hon. H. A. W. Skeen, Judge of the Circuit court for Lee county, Virginia.

Humbly complaining, your orator, A. R. Hyatt, Guardian for Ethel Jessee, an infant child of John R. Jessee and wife, respectfully represents, that he was appointed and qualified as the guardian of the said infant in the County court of the said county, on the ___ day of _____, 18___, as will appear from a certificate of the clerk of the court showing the same, herewith marked "Exhibit No. I"; that he executed bond as such guardian in the sum of $_____ as will appear from a copy of the said bond herewith filed, marked "Exhibit No. 2; that the said Ethel Jessee is now ~~blank~~ 17 years of age; that the said Ethel Jessee is the owner of an undivided one-fourth interest in a tract of land, owned by the said John R. Jessee and wife, both deceased, at the time of their death, which real estate lies in Lee county, Virginia, near Wesley's Chapel, on a bluff of Powell's River, on the north side thereof, contains some 120½ acres, is steep and rough; that the said real estate was derived by the said infant by descent from her father and mother.

Your orator further states that Lee Jessee and Anna Burchett, brother and sister of the said infant, who are of age, ~~and~~ recently sold and conveyed their undivided one-fourth interest in the said tract of land to Mrs. Geneva Woodward, at the price of three hundred and twenty five $325.00) dollars each; and the other one-fourth thereof belongs to Ella McDowell, another sister of the said infant, who is also of age.

Your orator, believing that the interest of his said ward would be greatly promoted by a sale of her said real estate and an investment of the proceeds in other property as provided by the statutes of Virginia, or the putting of the said proceeds at interest, and he has therefore entered into a written contract with the said Ella McDowell whereby he has agreed to sell the

same to her at the price of three hundred and ninty ($390.00) dollars, in case the court will ratify and confirm the sale, One hundred ($100.00) dollars of which is to be paid when deed is made, balance to be paid in three equal enstallments, payable January 1st, 1905, January 1st, 1906, January 1st, 1907, respectively. Said deferred payments bearing interest from date and lien to be retained upon the said land as security for the payment of the same, and your orator files herewith the said contract as a part of this bill, marked "Exhibit No. 3" and prayes that th same be taken and treated as a part of this bill.

As above stated said land is in an undivided condition and it is difficult to rent the same out in such manner as his ward can get the full benefit of her part of the said land. Said tract of land is rough and steep, lying mainly in a bluff of Powell's River; and your orator believes that the right of no person will be violated by such sale and investment.

Your orator further states that if the said infant should die the following persons would be her heirs and distributees to-wit, Lee Jessee, Anna Burchett and Ella McDowell; and that the said Lee Jessee and Anna Burchett are each non-residents of the State of Virginia, being residents of the State of Missouri.

The object therefore of this bill, is, to have the said contract of sale confirmed by the court, or in case the court should refuse to confirm the same, to have the said real estate of the said infant sold to the highest bidder and the proceeds thereof put at interest for her benefit, and being without remedy save in a court of equity where such matters are cognizable and releavable, your orator therefore prays that the said Ethel Jessee, an infant, Lee Jessee, Anna Burchett, and Ella McDowell be made parties defendant to this bill and required to answer the same; that order of publication be made as required by law, against the said Lee Jessee and Anna Burchett; that a

guardian ad litem be assigned to represent the said infant defendant; and that she being over fourteen years of age, be also required to answer in person and under oath; that the said contract of sale be confirmed; and that the proceeds thereof be invested or loaned as the court may direct; that all proper allowances and counsel's fees may be made in this suit; and that such other and further and general relief may be granted as to equity and good concience may seem meet and proper.

May subpoena issue etc. L. J. Hyatt, p.q.

Virginia, Lee county, to-wit:

I, H. C. T. Ewing, clerk of the circuit court, for the county aforesaid, do certify that A. R. Hyatt the complainant in the above suit, this day personally come before me and made oath that he believes the several statments made in the foregoing bill to be true.

Given under my hand this the 26 day of April, 1904.

H. C. T. Ewing, clerk.

To A. R. Hyatt, Guardian for Ethel Jessee.

I hereby make you the following proposition for the purchase of the one-fourth, undivided interest of the said Ethel Jessee in the real estate owned by John R. Jessee, wife at the time of his death, situated near Wesley's Chapel, Lee coumty Virginia; I agree to pay for said land $390.00 in case the court will confirm a sale of the said land to me at that price, this contract shall become binding upon me when accepted by you, subject of course, to the conditions that the circuit court of Lee county shall approve the same.

In case this proposition is accepted and sale consummated I agree to pay for said land upon the following terms, to-wit: $100.00 when deed is made, ($96 66⅔) to be paid Jan. 1-1905; $96.66⅔ to be paid Jan. 1-1906. $96.66⅔ to paid Jan. 1-1907. all drawing interest-from date. and for any deferred payments, a lien shall be retained on the land to secure the same.

Witness the following signature and seal this the 6 day of April, 1904.

Ella McDowell. ,(seal)

I accept the above proposition, subject to the approval and confirmation of the same by the circuit court of Lee county, this the 6 day of April, 1904.

A. R. Hyatt.
Guardian for Ethel Jessee.

Plff's costs:

| | |
|---|---|
| E. Clk | $7.23 |
| West Tax | 1.50 |
| G.A.L. | 5.00 |
| Shff | 1.00 |
| Printer | 7.20 |
| N.P. | .75 |
| Wits | 1.00 |
| Estimated | 5.00 |
| | 28.68 |
| Atty | 15 |
| | 43.68 |

A. R. Hyatt, Gd & C.

vs. { In Chy.

Ethel Jessee et al.

Bill

Filed April 26th 1904

H. C. T. Ewing

Clerk.

2nd April R.

1904 Bill filed Spa. executed as to Ella McDowell & D.N. as to her. Continued for O.P. vs Lee Jessee & Anna Burchett. M. G. Ely appointed G. A. L. for infant & filed Ans.

1st May rules D. N. Confirmed. Ethel Jessee filed her answer & continued for O.P.

2nd May rules O.P. completed & cause set for hearing

L. T. HYATT.
ATTORNEY AT LAW,
JONESVILLE, VIRGINIA.

To the Hon. H. A. W. Skeen, Judge of the circuit court for Lee county, Virginia.

Your petitioner, Geneva C. Woodward, would respectfully represent and show unto your honor that there is now pending in your Honor's court a chancery cause entitled "A. R. Hyatt, Guardian, &c. vs. Ethel Jessee at al. the object of which was to sell the lands owned by the infant defendant Ethel Jessee, situated in Lee county, on Powells River.

Your petitioner is advised that said land, or interest in said land has been contracted for the sum of $390.00, and that said suit is in the nature of asking your Honor to confirm the sale to the purchaser at that price.

Now your petitioner desires to state, that said land is worth more than the sum of $390.00 and she desires to put in a bid of $430.00, and binds herself that if your Honor will have said land exposed to a public sale that she will give that sum of money, and to show her good faith, she here files with this petition, a bond with good security, conditioned to make said land bring the sum of $430.00

Your petitioner prays that her said bid be accepted and the said land be exposed to sale. Your petitioner will ever pray etc.

J. O. Woodward
for Petitioner

A. R. Hyatt Guardian
No. E Petition for upset bid.
Ethel Jesse et als

Filed in open Court
and by leave thereof
May 17th 1904
H. L. Ewing Clerk

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 304.

Know all Men by these Presents, That we Geneva C. Woodward, C. B. Woodward, Ed. A. M. Eby,

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Nine hundred and thirty dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. And we hereby waive the benefit of our homestead exemptions as to this obligation, and any claim, or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from the bonds of this State. Sealed with our seals, and dated this 16th day of May 1904 ~~one thousand eight hundred and ninety~~.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas Geneva C. woodward, has filed an upset bid in the Chancery cause of A. R. Hyatt Guardian &c. vs Ethel Jessee and others pending in the circuit court of Lee County, Va. bidding herself to pay the Sum of $430.00 for the land sought to be sold in said cause.

Now if the said Geneva C. woodward shall well and truly bid and pay the sum of $430. for the land of Ethel Jessee sought to be sold in said cause, and fully comply with the terms of sale if knocked off to her at that price.

then this obligation to be void, or otherwise to remain in full force and virtue.

Geneva C. Woodward (SEAL.)

C. B. Woodward (SEAL.)

A. M. Eby (SEAL.)

*In the* ____ *Court of the* ____ *of* ____, *the* ____ *day of* ____ *189*____.

This bond was executed and acknowledged in open Court by the obligors and ordered to be recorded,

the suret ____ therein having first justified on oath that ____ estate, after the payment of all ____ just debts and those for which ____ he ____ bound as security for others and expect to have to pay, ____ worth the sum of ____ dollars over and above all exemptions allowed by law.

Teste:

____ Clerk.

Form No. 304.

Geneva G. Woodward

to } BOND.

upset bids

Commonwealth.

To the Hon. H. A. W. Skeen, Judge of the circuit court for Lee county, Virginia.

The answer, under oath, of Ethel Jessee an infant under the age of twenty one years but over the age of fourteen years to a bill of complaint exhibited against her and others, in the said court, by A. R. Hyatt, her guardian.

For answer to the said bill respondent says, that she is seventeen years of age; that she believes the allegations of the said bill to be true and she sees no reason why the prayer of the bill should not be granted and accordingly concurs therein, but she relies upon the court to protect her interest.

And now, having fully answered, she prayes to be hence dismissed with her cost and she will ever pray etc.

Ethel Jessee

Virginia, Lee county, to-wit:

Sworn to before me in my county aforesaid by Ethel Jessee, this the 26 day of April, 1904.

W. E. Ewing Clerk

A. R. Hyatt, Gdre

v. } In Chy.

Ethel Jesse et al

Answer of Ethel Jesse

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 35.

In the Circuit Court for the County of Lee Va.,

to wit:

THE ANSWER OF Ethel Jessee

infant under the age of twenty-one years, by M. G. Ely.

guardian *ad litem*, assigned to defend her in this suit, to a bill of complaint exhibited against her and others in the Circuit Court for the County of Lee. Va., by A. R. Hyatt Gen and others.

The respondent, reserving to herself the benefit of all just exceptions to the said bill, for answer thereto, answering by said guardian *ad litem*, say that she is an infant of tender years, and by reason of such disability is incapable of understanding, or of taking care of her rights and interests, she therefore commend the same to the protection of the court, and prays that no decree may be pronounced which will tend to her prejudice.

And having answered, the respondent pray to be hence dismissed with her reasonable costs, in this behalf expended; and she will ever pray, &c.

M. G. Ely. Guardian *ad litem*.

p. d.

Virginia, County of Lee, } ss.

This day, M. G. Ely, whose name is signed to the foregoing answer, personally appeared before me, H. C. T. Ewing, Clerk and made oath that the statements made therein, so far as they depend upon his own knowledge, are true, and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 18th day of April, 1904 ~~189~~

H. C. T. Ewing Clerk

By M. E. Hanson D.C.

Form No. 35.

Ethel Jessee et als.

adv. { ANSWER OF INFANT DEFENDANT.

A. R. Hyatt, Guardian

Filed 2nd April rules
1904 H. C. Ewing Clerk.

A. R. Hyatt, Guardian &c., Plaintiff.

vs. ( In Chancery.)

Ethel Jessee, et al., Defendants.

This cause came on this the 10th day of September, 1908, to be heard on the papers formerly read in the cause, and the report of L. T. Hyatt, special commissioner, filed this day, showing a sale made by him of the interest of Ethel Jessee in the tract of land in the bill and proceedings mentioned on the 27th day of August, 1904, to Geneva C. Woodward, at the price of $430.00, and was argued by counsel. On consideration whereof, no exceptions being filed it is adjudged, ordered and decreed that the said sale and report be confirmed.

Thereupon the said L. T. Hyatt, special commissioner as aforesaid, filed his further report showing the full collection by him of the deferred purhase money notes, and the fact that he has paid the sums so collected over to the plaintiff. And thereupon, the cause coming on to be further heard on the papers above referred to and the said last mentioned report, and no exceptions being filed it is further adjudged, ordered and decreed that the said last mentioned report be likewise confirmed, and that the said L. T. Hyatt, who is hereby appointed a special commissioner for the purpose do make and execute to the purchaser, Geneva C. Woodward, a deed conveying to her with special warranty, the said real estate so purchased by her.

Thereupon the said L. T. Hyatt, speial commissioner as aforesaid, filed his further report showing the execution of the said deed. And thereupon the cause came on to be further heard upon the papers hereinbefore mentioned and the said last mentioned report and deed; and on consideration thereof, and no exceptions being filed it is adjudged, ordered and decreed that the same be and they are each hereby confirmed and approved; and that the said Geneva C. Woodward pay to the said L. T. Hyatt the sum of $5.00 for his services in making the said deed, for which sum execution may issue upon application to the clerk of the court.

And now, there remaining nothing further to be done in this

cause, it is ordered that same be stricken from the docket, and that the plaintiff pay all accumulated costs, for which execution may also issue.

A. R. Hyatt, Gd &c
vs. { In Chy.
Ethel Jessee et al

Decree Final.

Entered in C.A.B.
#8, page 389.

Enter this decree
Sept 10th 1908.
H A W Sluss

A.R.Hyatt,Guardian for &c. Plaintiff,

Against) In Chancery,

Ethel Jessee and others, Defendants.

This cause came on this day to be heard upon the papers formerly read in the cause,and was argued by counsel:

On consideration of which,and it appearing to the Court that M.G.Ely,Guardian ad litem for the infant defendant in this cause,has rendered for his ward in her defense extra services,in said cause and is entitled to more than the legal fee,it is therefore adjudged ordered and decreed ,that A.R.Hyatt Guardian for Ethel Jessee pay M.G.Ely out of the funds of his wards estate the sum of Fifteen dollars ,for his services as such Guardian ad litem in this cause and the cause is continued.

A. R. Hyatt Guardian
vs. Decree
Ethel Jessee and others

Entered O.B.
No. 7, page 569.

Enter this

H. C. W. Blum

Dec. 22 - 1904

VIRGINIA,

At a Circuit Court continued and held for Lee County, at the Court-house thereof, on Friday, the 20th of May, 1904.

A. T. Hyatt, Guardian &c. Plff.

Vs. ) In Chancery.

Ethel Jennes, et al. Defts.

This cause came on this the 20th day of May, 1904, to be heard upon the bill of the plaintiff, verified by his oath, and the exhibits filed therewith; on the answer of the infant defendant, Ethel Jennes, by W. C. Fly, a discreet and competent Attorney at law, her Guardian ad. Liter; on the answer of the said Ethel Jennes who is over the age of 14 years, which answer is duly sworn to on order of publication duly made published and posted against the adult defendants, Lee Jennes, and Anna Purchett; and on the bill taken for confessed as to Ella McDowell; on general replication to said answers by the plaintiff and the depositions of witnesses, and was argued by counsel.

And thereupon Geneva C. Woodward filed in said cause her petitions and filed therewith her bond in the sum of $830.00 with C. P. Woodward, and A. M. Fly her sureties therein, praying that a public sale of the real estate of the infant defendant be made at which sale she bids herself to make the same bring the sum of $430.00 at the least.

On consideration of all which the Court clearly of opinion, from said bill and answers and evidence filed in the cause, that the interest of the infant defendant, Ethel Jennes, will be promoted by a saleof her real estate as set out in said bill and exhibits therewith and a reinvestment of the proceeds thereof for her benefit and the Court is further of opinion, that the rights of no person will be violated by such sale; and it is therefore adjudged, ordered and decreed that L. T. Hyatt, who is hereby appointed a Special Commissioner for the purpose, do, after having advertised the time, terms and place of sale, for 30 days prior thereto, by written or printed notices thereof, posted at three or more public places in Lee County, one of which shall be at the front door of the Court-house, another in the neighborhood of the said land, proceed to sell the same by public auction at the front door of the Court-house of Lee County, on the terms of $100.00 in cash and the residue in three equal enstallments payable respectively in one two

and three years from the date of sale, the three credit enstallments to be evidenced by the notes of the purchaser with approved security, bearing interest from the day of sale, and the title of the property shall be retained as additional security for the said notes till the whole of the purchase money is paid, and a conveyance directed by the Court; and in making said sale the said Commissioner shall start the biddings at $430.00, as the bid of the petitioner, Geneva C. Woodward.

But the said Commissioner shall have no power to execute this deed, till he shall enter into a bond with security in the sum of $800.00 before the Clerk of this Court, which bond shall be conditioned for the faithful discharge of his duties hereunder, and the cause is continued.

A Copy Teste: H. C. P. Ewing Clerk.

A. R. Hyatt Guardian

vs { Decree

Ethel Jessie, et al

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L. T. Hyatt

Commissioner

---

~~Copy~~

Executed June 6th 1904 by delivering an official copy of the within decree to L. T. Hyatt in person. P. M. Ball S. L. C.

---

Clerk. 50¢

A. R. Hyatt, Guardian etc, . . . . . Plff.

vs. (In Chancery.

Ethel Jessee, et al. . . . . Deft.

This cause came on this the 20th day of May, 1904, to be heard upon the bill of the plaintiff, verified by his oath, and the exhibits filed therewith; on the answer of the infant defendant Ethel Jessee, by M. G. Ely, a discrete and competent attorney at law, her guardian ad litem; on the answer of the said Ethel who is over the age of 14 years, which answer is duly sworn to; on order of publication duly made, published and posted against the adult defendants Lee Jessee and Anna Burchett; and on the bill taken for confessed as to Ella McDowell; on general replication to said answers by the plaintiff and the depositions of witnesses, and was argued by coubsel.

And thereupon Geneva C. Woodward filed in said cause her petition, and filed therewith her bond in the sum of $930.00 with C B. Woodward and A. M. Ely her surities therein, praying that a public sale of the ~~land~~ real estate of the infant defendant be made, at which sale she binds herself to make the same bring the sum of $430.00 at the least.

On consideration of all which, the Court is clearly of opinion, from the said bill and answers and the evidence filed in the cause, that the interest of the infant defendant, Ethel Jessee, will be promoted by a sale of her real estate as set out in said bill and exhibits therewith, and a reinvestment of the proceeds thereof for her ~~interest~~ benefit, and the court is further of opinion, that the rights of no person will be violated by such sale; and it is therefore adjudged, ordered and decreed, that L. T. Hyatt, who is hereby appointed a special commissioner for the purpose, do, after having advertized the time, terms and place of sale, for 30 days prior thereto, by written or printed notices thereof, posted at three or more public places in Lee county, one of which shall be at the fron t door of the court house, another in the neighborhood of the said land, proceed to sell the same by

public auction, at the front door of the court house of Lee county, on the terms of $100.00 in cash and the residue in three equal enstallments, payable respectively in one, two and three years from the date of sale, the three enstallments credit to be evidenced by the notes of the purchaser with approved security, bearing interest from the day of sale, and the title of the property shall be retained as additional security for the said notes till the whole of the purchase money is paid, and a conveyance directed by the court; and in making said sale, the said commissioner shall start the biddings at $430.00, as the bid of the petitioner, Geneva C. Woodward.

But the said commissioner shall have no power to execute this deed, till he shall enter into a bond with security in the sum of $800.00 before the clerk of this court, which bond shall be conditioned for the faithful discharge of his duties hereunder, and the cause is continued.

A.R. Hyatt, Guardian etc.
vs { In Chancery
Ethel Jessee, et al.

Decree for Sale

Entered in
C. O. B. No. 7 p. 477

Enter this decree
May 20, 1906.
H. A. W. Gus

The depositions of C.W.Hamblen and others taken before me, Geo. P.Cridlin, a notary public in and for the County of Lee in the State of Virginia, at the office of L.T.Hyatt,in the town of Jonesville, on the 13th day of May, 1904, which depositions are intended to be read as evidence in behalf og the plaintiff in a certain suit in chancery now dependeding in the Circuit Court of Lee County in which A.R.Hyatt, Guardian &c. ismplaintiff and Ethel Jessee et al are defendants.

Present: L.T.Hyatt, attorney for plaintiff

M.G.Ely, Guardian ad litem for infant defendants.

C.W.Hamblen, a witness of lawful age being duly sworn deposes and says:

Q.1.-- Please state your age, occupation and place of residence.

A.-- I am 45 years old, am a farmer, and reside about six miles west of Jonesville.

Q.2.-- Are you acquainted with a tract of land owned by John R.Jessee and wife at the time of their death?

A.-- I am.

Q.3.-- How near do you live to it.

A.-- Between three-quarter and one mile of it. My land is in one-fourth of a mile of said land.

Q.4.-- The plaintiff as guardian for Ethel Jessee who owns an undivided fourth interest in said farmhas contracted said interest at the price of $390.00. Please state whether or not in your opinion and from your knowledge of said land this is a fair price for said fourth interest?

A.-- I think is a fair price for it.

Q.5.-- Please state whether or not in your opinion it would be to the interest of Ethel Jessee to have said land sold for said pric e and have the proceeds of said sale invested or loaned out on interest for her benefit. In other words would the interest on $350.00 be more than the rents arising from one fourth of said land after paying for keeping the place in repair?

A.-- I would rather have the interest on that amount of money

than her part of the rent on said land. Said land has been renting for from $60. to $80. that is the whole place rented for that amount.

And further this deponent saith not.

Wit: Claim 1 day 50¢ C. W. Hamblin

J.P.Thompson another witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age, residence and occupation.

A.-- I am 45 years old, reside four miles west of Jonesville, and am a farmer.

Q.2.-- Are you acqauinted with the land owned by John R.Jessee and wife at the time they died?

A.-- I am.

Q.3.-- Where does said land lie and what kind, or nature of land is it?

A.-- It lies about five miles west of Jonesville, on the river bluff near Towells ford. It is river bluff land, with some smooth land on it. It is just moderate land.

Q.4.-- What in your opinion is the fair cash value of said farm?

A.-- I think $1200.00 would be a fair price for the whole farm.

Q.5.-- Please state whether or not in your opinion it would be to the interest of the infant defendant, to sell her fourth interest in said land at the price of $590.00 and invest the proceeds of said sale at interest for her benefit?

A.-- I think it would.

Cross Examination.

X.Q.1.-- Do you know of anybody whose rights would be violated by a sale of said interest in said land?

A.-- I do not.

And further this deponent saith not.

Wit Claim 1 day 50¢ J.P. Thompson

Virginia, Lee County, to-wit:

I, Geo.P.Cridlin, a notary public in and for the County of

Lee, in the State of Virginia, do certify that the foregoing depositions of C.W.Hamblen and J.P.Thompson were taken, sworn to and subscribed before me at the time, place and for the purpose in the caption mentioned.

Given under my hand this the 13th, day of May, 1904.

Geo. P. Coulter N.P.

A. R. Hyatt, Guard. &c.

vs { In Chy

Ethel Jesse et al

Depositions of

C. W. Hamblen Cost .50

J. P. Thompson .50

$1.00

N. P. Cost 1 hr. .75

$1.75

Filed May 13th 1904
by Geo P. Cridlin
Notary taking same

H. C. T. Ewing Clerk.

To the Honorable H. A. W. Skeen, Judge of the circuit court for Lee county, Virginia:

The undersigned special commissioner respectfully reports that the purchaser Geneva C. Woodward, or rather W. W. Woodward, one of the sureties on her notes or bonds, for her, has paid to him the full amount, with interest, of her three notes for $110. each executed by her for the Ethel Jessee land in the case of A. R. Hyatt, Duardian &c., vs. Ethel Jessee et al.; and that he has paid the same over to the plaintiff in the said cause.

The said Geneva C. Woodward is now entitled to a deed for the said land.

Respectfully,

Special Commissioner

A. R. Hyatt, Gdre

vs. } In Chy.

Ethel Jessee et al

Report of Collection & Disbursement of deferred purchase money notes.

Filed Sept 10 1908.

W. C. T. Ewing,

Clerk.

Aug. 27 1904

Received from L. T. Hyatt, Coun.

One hundred Dollars.

Cash paid him by Geneva C Woodward on sale of Ettet Jessee land.

$

A. B. Dyatt

To the honorable H. A. W. Skeen, Judge of the circuit court for Lee county, Virginia:

The undersigned respectfully reports that pursuant to the requirements of the decree rendered on the 20th day of May, 1904, in the chancery cause pending in the said court under the style of A. R. HYATT, GUARDIAN &c. VS. ETHEL JESSEE,ET AL.,he did, after having executed the bond required by the said decree, and after having advertised the same by poting notices thereof at the front door of the courthouse of Lee county, at Wesley's Chapel, a public place in the neighborhood of the said land, and at two other public places in said county, on the 27th day of August, 1904, at the front door of the court-house of Lee county, offer for sale the real estate of the defendant Ethel Jessee, mentioned in the said decree and proceedings, by public outcry, to the highest bidder, starting the biddings at $430.00 as the bid of Geneva C. Woodward, but after considerable crying in the presence of a number of land-owners and others, no person offer a better price for the said land, and it was therefore knocked off to the said Geneva C. Woodward at the price of $430.00.

The said Geneva C. Woodward paid to me in cash the sum of $100. as required by the said decree, and executed to me as commissioner her three bonds in the sum of $110.00 each, payable in one, two and three years respectively from day of sale, bearing interest from said date, with C. B. Woodward and W. W. Woodward as security, which I deem ample.

I paid the cash payment of $100.00 over to the plaintiff on the day of sale.

I recommend the confirmation of the said sale, believing that the land brought really more than it is worth.

Respectfully,

L. T. Hyatt
Commissioner.

September, 1904.

A. R. Hyatt, Gd &c
vs. { In Chy.
Ethel Jesse et al.

Report of Sale.

Filed Sept 10, 1908.
H. C. T. Ewing,
Clerk

To the Honorable H. A. W. Skeen, Judge of the circuit court for Lee county, Virginia:

The undersigned special commissioner, appointed by a decree entered this day in the chancery cause entitled A. R. Hyatt, Guardian &c., vs. Ethel Jessee et al., pending in said court, for the purpose of making and executed a deed to Geneva C. Woodward for the land purchased by her under the proceedings of the said cause, respectfully reports that he has made, executed, and acknowledged the said deed as required, and requites that he be decreed the usual fee of five dollars for so doing. Said deed is herewith filed for the inspection and approval of the court.

Respectfully,

L. T. Hyatt

Special Commissioner.

September 10th, 1908.

A. R. Hyatt, Gd &c
vs { In Chy.
Ethel Jessee et al

Report of Deed

Filed Sept 10, 1908.
H. C. T. Ewing,
Clerk.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 302.

In the Clerk's Office of the Circuit Court of the County of Lee

A.R. Hyatt, Guardian for Ethel Jessee an infant within the age of 21 years

Plaintiff,

against

Ethel Jessee, Lee Jessee, Ella McDowell and Addie Burchett

Defendants.

This day A.R. Hyatt personally appeared before me H.C.J. Ewing Clerk of the said Court, and being duly sworn, made oath that Lee Jessee and Anna Burchett defendants in the said suit are not residents of the State of Virginia, both being residents of the State of Missouri

Given under my hand as Clerk of the said Court, this 8 day of April 1904.

H.C.J. Ewing Clerk

Form No. 302.

A. R. Hyatt

vs. { AFFIDAVIT FOR ORDER OF PUBLICATION.

Ethel Jesse et al

L. T. Hyatt p. q.

Filed April 8th 1907. H. L. Espy Clerk.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 301.

In the Clerk's Office of the Circuit Court of the County of Lee on the 8th day of April 1907.

L. R. Hyatt, Guardian, for Ethel Jessee an infant within the age of 21 years

Plaintiff,

against

Ethel Jessee, an infant, Lee Jessee Ella McDowell and Anna Burchett

Defendants

The object of this suit is to have confirmed a written contract for the sale of the one-fourth interest of the said Ethel Jessee in the real estate of which John R. Jessee and wife died seized, to the said Ella McDowell at the price of three hundred and ninety dollars, or to have the said real estate sold, and the proceeds of said sale loaned out or invested for the benefit of the said infant

And an affidavit having been made and filed that the defendants Lee Jessee and Anna Burchett are not residents of the State of Virginia, it is ordered that they do appear here within 15 days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Southwest Virginian, ~~or before the second~~ and that a copy be posted at the front door of the court-house of this County on ~~the first day of the next term of the~~ April Rules, 1907, of this Court.

A copy—Teste:

L. L. Hyatt p. q.

H. L. Ewing Clerk.

FORM NO. 301.

A. R. Wyatt, Gd.

vs. { ORDER OF PUBLICATION.

Ethel Jessee et al

Virginia, Lee County, to-wit:
I, H. C. T. Ewing, Clerk of Lee County, do hereby certify that I posted a copy of the within at the front door of the Court-house of Lee County on 8th day of April, 1904.

Given under my hand this 8th day of Apl, 1904

H. C. T. Ewing Clerk

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300½.

The Commonwealth of Virginia,

*To the Sheriff of the County of Lee, Greeting:*

WE COMMAND YOU, That you summon Ethel Jessee, Ella McDowell, Lee Jessee Nina Burchett

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the said court, on the 3rd Monday in April 1894, to answer a bill in chancery exhibited against them in our said court by A. R. Hyatt Guardian,

And have then there this writ. Witness, ~~A. B. MUNSEY~~ H. C. Ewing, Clerk of our said Court, at the court-house, the 8th day of April 1894, and in the 128th year of the Commonwealth.

H. C. Ewing Clerk

Form No. 300½.

A. R. Hyatt

vs. { SUBPOENA IN CHANCERY

Ethel Jessee et al

L. T. Hyatt p. q.

To 2nd April Rules.
1904.

Circuit Court.

Executed by delivering a true copy of the Within to Ella. McDowell this April the 13th 1904.

J. D. Weston D. S.
for P. M. Ball. S. I. C.

CERTIFICATE OF
**ORDER OF PUBLICATION.**

I, C. R. Sprinkle, Editor of the SOUTH WEST VIRGINIAN, a weekly newspaper published at Jonesville, Lee county, Virginia, do hereby certify that the annexed notice was published in said paper once a week for four successive weeks, commencing on the 14th day of April 1904.

C. R. Sprinkle
EDITOR.

FEE. $ 7.20

**ORDER OF PUBLICATION**

VIRGINIA—In the Clerk's Office of the Circuit Court of the County of Lee on the 8th day of April 1904.

A. R. Hyatt Guardian, Ethel Jessee an infant within the age of 21 years Plffs. vs. Ethel Jessee, an infant, Lee Jessee, Ella McDowell and Anna Burchett Def'ts. } In Chancery.

The object of this suit is to have confirmed a written contract for the sale of the one-fourth interest of the said Ethel Jessee in the real estate of which John R. Jessee and wife died siezed, to the said Ella McDowell at the price of three hundred and ninety dollars, or to have the said real estate sold, and the proceeds of said sale loaned out or invested for the benefit of the said infant. And an affidavit having been made and filed that the defendants Lee Jessee and Anna Burchett are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days after due publication hereof, and do what is necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four successive weeks in the SOUTHWEST VIRGINIAN, and that a copy be posted at at thef ront door of the court house of this County on or before the second April rules 1904 of this court.

A copy—Teste:
H. C. T. EWING, Clerk.

L. T. Hyatt, p. q. 4144t.

Order of Publication.

A. R. Hyatt et als.

vs.

Ethel Jesse et als.

Printer's Certificate.

Fee $7.20